

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID A. SAWICKI,)	CASE NO. 1:07CV803
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	<u>ORDER</u>
)	
CITY OF BRUNSWICK POLICE)	
DEPARTMENT, et al.,)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

This matter came before the Court upon a Telephone Conference conducted on January 26, 2009. The Court reminded the parties the only claim remaining is the allegation of excessive force in violation of 42 U.S.C. § 1983 against Brunswick Police Officer Robert Safran. Since the issue whether Plaintiff was a threat to the officers at the time of transfer from one cell to another determines whether Officer Safran's use of force was objectively reasonable, summary judgment on the basis of qualified immunity was denied on behalf of Officer Safran.

1. Factual discovery on the one remaining issue, against the one remaining Defendant, shall be completed by April 1, 2009.

2. Plaintiff, David A. Sawicki, shall make a written settlement demand, with supporting reasons and provide it to opposing counsel by February 5, 2009. Defense counsel shall provide a written response within seven days after receipt of the demand.

3. Plaintiff, David A. Sawicki, shall also submit, on or before February 12, 2009, a list of witnesses he wishes to depose, with a copy to the Court. He shall include the witnesses' names, areas of inquiry and relevance to the remaining issue in the case. The Court will then decide the amount of time each deponent will be subject to deposition.

4. **A Telephone Status Conference is set for April 1, 2009 at 3:00 p.m.** No later than forty-eight hours before the conference, the parties shall provide the Court's Deputy Clerk, Marsha McDowell, at (216) 357-7153 with telephone numbers at which the Court can contact the parties. The Warden at Lake Erie Correctional Institution shall insure that the necessary accommodations are made for Plaintiff, David A. Sawicki (#513-553), to be heard before this Court.

IT IS SO ORDERED.

DATE: January 27, 2009

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge